

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' UNOPPOSED MOTION TO VOLUNTARILY DISMISS CLAIMS
AND FOR LEAVE TO FILE THEIR FOURTH AMENDED COMPLAINT**

Plaintiffs League of United Latin American Citizens, *et al.* ("LULAC Plaintiffs") respectfully move to voluntarily dismiss without prejudice certain claims pursuant to Federal Rule of Civil Procedure 41(a)(2), and seek leave to file their Fourth Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) in accordance with any such dismissal. This motion is unopposed.

First, pursuant to Rule 41(a)(2), LULAC Plaintiffs respectfully seek leave to voluntarily dismiss their claims challenging the redistricting of ED3 in Plan E2106. Defendants will not be prejudiced as a result of dismissal, especially because dismissal will serve to narrow the issues in dispute prior to trial. Second, pursuant to Rule 15(a)(2), LULAC Plaintiffs respectfully request leave to amend their operative complaint to reflect the dismissal of their claims challenging the redistricting of ED3.

Third, LULAC Plaintiffs seek leave to file their Fourth Amended Complaint as directed by the Court in its June 16, 2023 Order. Dkt. 705. In that Order, the Court granted LULAC Plaintiffs leave to amend their operative complaint “to address pleading deficiencies related” to standing for the following entity plaintiffs: Southwest Voter Registration Education Project, Mi Familia Vota, William C. Velasquez Institute, Proyecto Azteca, and FIEL Houston Inc. *Id.* at 37. In addition, the Court granted LULAC Plaintiffs leave to amend their complaint such that their “public filing clarifies the allegations of injury to ‘LULAC Member J’ in HD118.” *Id.*¹ LULAC Plaintiffs have made those amendments in their Fourth Amended Complaint.

LULAC Plaintiffs’ proposed Fourth Amended Complaint is attached as Exhibit A, and a redline against LULAC Plaintiffs’ Third Amended Complaint is attached as Exhibit B. There is no bad faith, dilatory motive, or undue delay as a result of LULAC Plaintiffs’ proposed amendments, and the amendments will not prejudice Defendants, especially in light of their lack of opposition to the instant motion.

Accordingly, LULAC Plaintiffs respectfully request that the Court: (1) dismiss without prejudice, pursuant to Rule 41(a)(2), their claims challenging the redistricting of ED3 in Plan E2106; (2) grant leave to file a Fourth Amended Complaint that omits language specific to their claims challenging the redistricting of ED3, as reflected in Exhibit A; and (3) grant leave to file a Fourth Amended Complaint that responds to the Court’s directions in its June 16, 2023 Order.

¹ LULAC Plaintiffs’ Third Amended Complaint is publicly docketed at Dkt. 338. Exhibit A of that complaint—containing the names of the members of plaintiff organizations referenced in that pleading—is docketed at Dkt. 440.

Dated: June 30, 2023

Respectfully submitted,

/s/ Nina Perales
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Counsel for LULAC Plaintiffs

CERTIFICATE OF CONFERENCE

I hereby certify that, on June 28, 2023, counsel for LULAC Plaintiffs conferred with counsel for all parties regarding the instant motion. Counsel for Defendants and the other plaintiffs do not oppose the motion.

/s/ Nina Perales _____
Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 30th day of June 2023.

/s/ Nina Perales _____
Nina Perales